Government of Kerala
1983

Reg. No. KL/TV(N)/1



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Thursday, 29th December 1983 / 8th Pousha 1905 (Saka) [No. 1546

NOTICE

UNDER SECTION 9 (5) OF THE KERALA LAND ACQUISITION ACT, 1961
(Act 21 of 1962)

N.A. 168/83. *26th December 1983.*

Notice is hereby given that the Government intend to take possession of the lands mentioned in the list below, which are required for a public purpose under the Kerala Land Acquisition Act 1961 (Act 21 of 1962). All persons, interested in the lands are required to appear in person or by authorised agent on the date, time and place noted below and to state/put in a statement in writing signed by themselves or their agents showing the nature of their respective interests in the lands and the amount and particulars of their claim to compensation for such interests in the lands and their objections, if any, to the measurements made under section 8 of the Act.

Note:—If the persons interested refuse to make a claim to compensation or omit, without sufficient reasons, to make such claim, the amount to be awarded by the court, in the event of a reference being made to it on application made by them shall in no case exceed the amount awarded by the Collector under section 11 of the Act.

33/5694/83/J.

താഴെ കൊടുത്തിരിക്കുന്ന ലിസ്റ്റിൽ പറഞ്ഞിട്ടുള്ളതും 1961-ലെ കേരളാ സ്ഥലമെടുപ്പ് ആക്ട് (1962-ലെ 21-ാം ആക്ട്) പ്രകാരം ഒരു പൊതുക്കാര്യത്തിന് അതായത് എറണാകുളം—ആലപ്പുഴ ബ്രോഡ്ഗേജ് റെയിൽവെ ലൈൻ നിർമ്മിക്കുന്നതിന് ആവശ്യമായിട്ടുള്ളതുമായ ഭൂമി കൈവശപ്പെടുത്തുവാൻ ഗവൺമെന്റ് ഉദ്ദേശിക്കുന്നുവെന്ന് ഇതിനാൽ നോട്ടീസ് നൽകിയിരിക്കുന്നു. പ്രസ്തുത ഭൂമിയിൽ അവകാശബന്ധമുള്ള എല്ലാപേരും നേരിട്ടോ അധികൃത ഏജന്റ്മൂലമോ താഴെ പറയുന്ന തീയതിയിലും സമയത്തും സ്ഥലത്തും ഹാജരാകുകയും ഭൂമിയിൽ അവരോരോരുത്തർക്കുമുള്ള അവകാശബന്ധങ്ങളുടെ സ്വഭാവവും, ഭൂമിയിൽ അങ്ങനെയുള്ള അവകാശബന്ധങ്ങൾ സംബന്ധിച്ചിടത്തോളം നഷ്ടപ്രതിഫലത്തിന് അവർക്കുള്ള തേർച്ചയുടെ തുകയും വിവരങ്ങളും ആക്ട് 8-ാം വകുപ്പുപ്രകാരം എടുത്തിട്ടുള്ള അളവ് സംബന്ധിച്ച് വല്ല ആക്ഷേപവുമുണ്ടെങ്കിൽ അത് ഏതാണെന്ന് കാണിച്ചുകൊണ്ട് പ്രസ്താവന ചെയ്യുകയും അവരോ അവരുടെ ഏജന്റുമാരോ എഴുതി ഒപ്പിട്ട ഒരു സ്റ്റേറ്റ്മെന്റ് സമർപ്പിക്കുകയും ചെയ്യണമെന്ന് അവരോട് ആവശ്യപ്പെടുന്നു.

കുറിപ്പ്:—അവകാശബന്ധമുള്ളവർ നഷ്ടപ്രതിഫലത്തിന് തേർച്ച ചെയ്യുവാൻ കൂട്ടാക്കാതിരിക്കുകയോ മതിയായ കാരണമില്ലാതെ അങ്ങനെ തേർച്ച ചെയ്യുവാൻ വീഴ്ച ചെയ്യുകയോ ചെയ്യുന്ന പക്ഷം അവരുടെ അപേക്ഷയിൻമേൽ കോടതിക്ക് റഫറൻസ് അയയ്ക്കുന്ന സംഗതിയിൽ കോടതി വിധിച്ചുകൊടുക്കേണ്ട തുക യാതൊരു സംഗതിയിലും ആക്ട് 11-ാം വകുപ്പ് പ്രകാരം കളക്ടർ വിധിച്ച് കൊടുക്കുന്ന തുകയിൽ കവിയാൻ പാടില്ലാത്തതാകുന്നു.

ആക്ഷേപം, സ്റ്റേറ്റ്മെന്റ് മുതലായവ ഹാജരാക്കേണ്ട തീയതിയും സമയവും സ്ഥലവും:—8-2-1984-ന് രാവിലെ 10 മണിക്ക് സ്പെഷ്യൽ താസീൽദാർ (റെയിൽവേ സ്ഥലമെടുപ്പ്) ആഫീസ്, ചേർത്തല.

SCHEDULE

District—Alleppey.

Taluk—Shertallai. *Village*—Aroor.

Block No. II

Sl. No.	*Survey No.*	*Description*	*Extent* Hectare Are Sq.m.
(1)	(2)	(3)	(4)
1	14/3-8	Dry	00 09 50
2	14/3-9	,,	00 06 00
3	14/6A5, B5, C1	,,	00 05 75
4	14/6, A6, B6	,,	00 00 36
5	14/6A8, B8	,,	00 06 50
6	14/6-A7, B7, C2	,,	00 08 20
7	14/5A5	,,	00 02 37
	14/5A6	,,	00 00 81
8	14/5/A7	,,	00 00 05

(1)	(2)	(3)	(4)		
9	14/7/3	Dry	00	04	70
10	14/7/4	,,	00	04	36
11	16/13/13	,,	00	12	00
12	16/13/10	Road	00	00	30
	16/13/11	Dry	00	00	11
	16/13/12	,,	00	00	20
13	16/13/9	Road	00	00	60
	16/14/3	,,	00	00	43
	16/14/4	Dry	00	00	15
	16/14/6	,,	00	01	64
	16/14/7	,,	00	04	45
	16/15A10	,,	00	09	85
	16/15A11	Road	00	00	42
14	16/15A16	Dry	00	00	03
15	16/15-A13	,,	00	02	00
16	16/14-5	,,	00	00	39
	16/15-A8	,,	00	02	30
17	16/15/A17	,,	00	06	10
	16/15/B2	,,	00	00	22
18	16/8-13	,,	00	00	11
19	16/8-10	,,	00	11	80
20	16/8-11	,,	00	01	70
21	16/8-12	,,	00	00	36
22	16/8/8	,,	00	10	20
23	16/7-4	,,	00	04	75
24	17/6-9	,,	00	00	60
25	16/7-6	,,	00	01	45
	17/6-8	,,	00	21	00
	17/10-10	,,	00	00	71
26	17/11-8	,,	00	01	75
27	17/11-5	,,	00	04	61
28	404/31-4	,,	00	02	65
29	17/11-7	,,	00	07	25
		Total	01	58	73

(Sd.)

Shertallai. *Special Tahsildar (LA), Railways.*

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TRIVANDRUM, 1983.

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Government of Kerala
1983

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Thursday, 29th December 1983 / 8th Pousha 1905 [No. 1545

GOVERNMENT OF KERALA

NOTIFICATION

General Administration (Miscellaneous) Department

G.O. MS. 428/83/GAD. *Dated, Trivandrum,* 28*th December,* 1983.

S. R. O. No. 1788/83.—Under the *Explanation* to Section 25 of the Negotiable Instruments Act, 1881 (Central Act 26 of 1881), read with Notification of the Government of India, Ministry of Home Affairs No. 20/25/56-Pub.1 dated the 8th June, 1957, the Government of Kerala hereby make the following amendment to Notification G.O. MS. No. 339/83/GAD dated the 19th October, 1983, published in the Kerala Gazette Extraordinary No. 1290 dated the 20th October, 1983, namely:—

AMENDMENT

In the said Notification for the sentence 'The following festivals and occasions which occur on Sundays have been excluded from the list', the following proviso shall be substituted, namely:—

"Provided that the following festivals and occasions which occur on Sundays shall be public holidays where weekly holiday is not Sunday".

By order of the Governor,
P. VISWANATHAN NAIR,
Additional Secretary.

33/5693/MC.

Explanatory Note

(This is not part of the Notification but is intended to indicate its general purport).

In Notification G. O. MS. No. 339/83/GAD dated the 19th October, 1983, Government have declared the public holidays under the Negotiable Instruments Act, 1881 (Central Act 26 of 1881) for the year 1984. It has been brought to the notice of the Government that certain Banking institutions etc., have Sundays as working days. It is therefore necessary to declare that festivals and occasions falling on Sundays which are not weekly holidays for Banking Establishments etc., shall be public holidays under the Negotiable Instruments Act, 1881, in respect of such establishments.

The Notification is intended to achieve this object.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1983.

28-4-84

Kerala Gazette No. 1 dated 3rd January 1984.

PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1190/83/LBR. *Dated, Trivandrum, 18th October 1983.*

The award of the Labour Court, Kozhikode in respect of the dispute between the Director, Malabar Timber and Saw Mill Company Ltd., Baliapatam, Cannanore- 10 and their workman Shri K. Bhaskaran, Accountant, Malabar Timber and Saw Mill Company Ltd., Baliapatam, Near Noormahal, Cannanore-1 received by Government on 5-10-1983 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
K. SIVADASAN,
Deputy Secretary to Government.

In the Labour Court, Kozhikode, Kerala State
Dated this the 30th day of August, 1983.

Present:

HAJEE P. A. SHAHUL HAMEED, B. A., B.L.
Presiding Officer

In

INDUSTRIAL DISPUTE No. 53/79

Between

The Director, Malabar Timber and Saw Mill Company Ltd., Baliapatam, Cannanore-10. .. *Management.*

And

Shri K. Bhaskaran, Accountant, Malabar Timber and Saw Mill Company Ltd., Baliapatam, Near Noormahal, Cannanore-1. *Workman,*

Representations:—

Sri E. Ebrahimkutty, Advocate, Cannanore. For *the Workman*

Sri K. Karunakaran Nambiar, Advocate, Cannanore. For *the Management*

G A. 165/L

AWARD

1. This Industrial Dispute is referred by the Government as per G. O. (RT) No. 1018/79/L&H dated 18-7-1979 regarding the dismissal of Shri K. Bhaskaran, Accountant for adjudication. When the reference was received by this Court, notices were issued to both parties. Both parties appeared through counsels and filed statements and rejoinder.

2. In the statement filed by the workman it is stated that he was in the service of the management as an Accountant with effect from 1-1-1973. On 2-11-1978 he submitted a written request to the management for granting him variable dearness allowance. He also requested the District Labour Officer to interfere in the matter. On 1-12-1978 he was served with a notice. In that notice, it was stated by the management to show-cause why disciplinary action should not be taken against him for rushing in to the Board Meeting of the management. That notice is dated 18-11-1978. Notice has served on 28-11-1978. In that notice, it is stated that a domestic enquiry will be held by the management on 7-12-1978. In that notice it is stated that there were illegal acts on the part of the workman. He sent a reply on 6-12-1978 denying the allegations. He also requested, the management to serve him a copy of the charge-sheet. The management has not furnished him either the copy of show-cause dated 18-11-1978 or the charge-sheet. He saw an advertisement in the Cannanore Times Daily dated 11-1-1979 to the effect that the domestic enquiry was conducted against him he has been dismissed from service. He raised a dispute before the District Labour Officer, Cannanore as per his petition dated 15-1-1979. He further states that he was dismissed by the management since he requested to grant him variable dearness allowance. No enquiry was conducted by the management in his presence. He was getting a salary at the rate of Rs. 245, which did not include the dearness allowance. Hence he prayed that there may be an award for reinstatement with back wages, continuity of service and all other benefits due to him.

3. The management filed a statement denying the statement filed by the workman in toto and further stating that the worker rushed into the office room where the board meeting was conducted on 17-11-1978 and obstructed in a very unbecoming and indisciplined manner. Next day itself he was served with a notice directing him to show-cause why action should not be taken against him for his grossly improper conduct. He did not send any reply. Another opportunity was given to him by notice dated 28-11-1978. The management appointed Sri K. Balakrishna Panicker, Advocate, Cannanore as the Enquiry Officer. Enquiry was conducted in the premises of the office on 7-12-1978 at 5./15 p. m. The worker was present at the time of the enquiry but he left the enquiry immediately when it started. He misbehaved towards the Enquiry Officer also. The enquiry officer examined witnesses and come to the conclusion that the workman was guilty of the charges framed against him. The management accepted the findings and dismissed him from service.

4. A rejoinder is filed by the workman, stating that it is not correct to say that he rushed into the office room where the board-meeting of the company was held and obstructed the proceedings, abused the directors. It is also not correct to say that he was served with a show-cause notice, He received the notice only on 28-11-1978 for the first time. In that notice, he was informed that a domestic enquiry will be held on 7-12-1978. He sent a reply on 6-12-1978. It is not correct to say that he refused to take part in the enquiry. No enquiry was conducted in his presence. . Even if an enquiry is conducted it is only a mockery. His dismissal cannot be justified.

5. A preliminary point was raised regarding the validity of the domestic enquiry. My learned predecessor in office, held that the domestic enquiry conducted was proper. At the time of the preliminary point was raised, the workman was examined as WW1 and two documents were marked on his behalf as Ext. W1 and Ext. W2. The management produced enquiry proceedings which is marked as Ext. MI. This preliminary order was passed on 5-4-1982. Thereafter case has gone several adjournments since both sides were not ready. On 11-8-1983, I heard counsel for work and management.

6. The only point to be decided is whether the order of dismissal passed by the management is justifiable.

7. Issue: It is admitted that the workman was working as an Accountant. According to the management, on 17-11-1978 he rushed into the room where the board-meeting of the company was being held and behaved indecently and showered abuses on the Board of Directors. The workman has denied these allegations. At the time of domestic enquiry, one of the directors was examined and he has stated that when the board-meeting was being conducted on 17-11-1978, the worker came into the room. What was the word used by him is not spoken by this witness. Even if it is proved that the workman has used abusive words it will not amount to riotous or disorderly behaviour. According to the workman, he has been dismissed from service since he demanded variable dearness allowance as per his letter dated 2-11-1978.

8. The counsel for management submitted that the act of the worker is gross indisciplined. He also submitted that a Tribunal can interfere with the order of dismissal only when it lacks goodfaith or victimisation or unfair labour practice or the management has been guilty of a basic error or violation of principles of natural justice.

9. I have gone through the evidence adduced in this case carefully. The worker when examined at the time of preliminary enquiry has admitted in cross-examination that the Enquiry Officer was his advocate. He had gone to the enquiry on 7-12-1978. He requested for time. The enquiry officer refused the request. He also refused to accept his statement and then he left the enquiry.

10. The learned counsel for the management submitted that the punishment imposed upon the worker is not excessive or harsh. According to him the act of the worker is one of gross indiscipline. Abusing the directors of the company and obstructing their proceedings is gross indiscipline according to the counsel. What are the words used by the worker is not mentioned..

11. In the ruling reported in AIR 1982 Supreme Court 1552, it is stated by his Lordship that dismissal of an employee for use of indiscreet language disclosing, threatening posture, is liable to be set aside. The worker was due to retire on 15th December, 1980. The date of birth of the worker is admitted as 15-12-1922. He was dismissed from service on 11-1-1979. His pay was Rs. 245 and D. A. due to him was Rs. 110. If he was not dismissed from service, he could have worked upto 15-12-1980 for which he would have got a total emoluments of Rs. 8165. Taking into consideration, the service of the worker, I am of the view that the order of dismissal passed by the management is too harsh. Hence he is entitled to be reinstated with back wages and without prejudice to his right to claim gratuity and other benefits. An award is passed accordingly.

12. This award will come into force 30 days after its publication in the official gazette.

Dictated to the Confidential Assistant, transcribed by him, revised corrected and passed by me on the 30th day of August, 1983..

Kozhikode Labour Court.

HAJEE P. A. SHAHUL HAMEED,
Presiding Officer.

Appendix:

Witnesses examined on the side of the Management:—

Nil

Documents marked on the side of the Management:—

Ext. M1. Enquiry proceedings.

Witness examined on the side of the workman:—

WW1. K. Bhaskaran.

Documents marked on the side of the Workman:—

Ext. W1. A Copy of the letter addressed to Shri K. Bhaskaran dated 28-11-1978.

Ext.W2. Postal acknowledgement.

Government of Kerala
1983

Reg. No. [illegible]



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Thursday, 29th December 1983 / 8th Pousha 1905 (Saka) [No. 1544

GOVERNMENT OF KERALA

General Administration (Political C) Department

NOTIFICATION

No. 78159/Pol. Cl/83/GAD. *Dated, Trivandrum, 23rd December 1983.*

S. R. O. No. 1787/83.—Whereas in exercise of powers conferred by clause (1) of Article 258 of the Constitution of India, the President has in Notification No. 2/4/63/Judl. II dated the 31st May, 1963 entrusted the Government of Kerala with their consent, the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (21 of 1962), in relation to the acquisition of lands for the purpose of the Union, in the Kerala State;

And whereas, it appears to the Government of Kerala that the lands specified in the schedule below are needed or are likely to be needed for a public purpose, to wit for the construction of office building for the Directorate of Census Operations, Kerala;

Now, therefore, notice to that effect is hereby given to all whom it may concern, in accordance with the provisions of subsection (1) of section 3 of the said Act.

33/5692/J

SCHEDULE

District—Trivandrum.

Taluk—Trivandrum. *Village*—Vanchiyoor.

(The extent given is approximate)

Sl. No.	*Survey No.*	*Description*		*Extent*	
				Are.	*Sq.m.*
1	647 Part	Dry		04	05
2	648 ,,	,,		03	64
3	650 ,,	,,		17	00
			Total	24	69

Explanatory Note

(This does not form part of the notification, but is intended to bring the general purport).

President of India has in Notification No. 2/4/63/Judl.II dated 31-5-1963 entrusted the Government of Kerala with their consent the powers to acquire lands for the use of Central Government in the State, and it appears to the State Government that the lands mentioned in the Schedule above are needed for a public purpose, viz. for the construction of office building for the Directorate of Census Operations, Kerala.

This notification is intended to achieve the above purpose.

എസ്. ആർ. ഒ. നമ്പർ 1787/83.—ഇൻഡ്യൻ ഭരണഘടന 258-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡംമൂലം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് രാഷ്ട്രപതി, 1963 മേയ് 31-ാം തീയതിയിലെ 2/4/63 ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനപ്രകാരം കേരള സംസ്ഥാനത്ത് യൂണിയന്റെ ആവശ്യത്തിനുവേണ്ടി ഭൂമി വിലയ്ക്കെടുക്കുന്നത് സംബന്ധിച്ച് 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) പ്രകാരമുള്ള കേന്ദ്രസർക്കാരിന്റെ ചുമതലകൾ, കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിരിക്കുന്നതിനാലും;

താഴെ പട്ടികയിൽ പറയുന്ന സ്ഥലം ഒരു പൊതുആവശ്യത്തിന് അതായത് കേരളത്തിലെ സെൻസസ് ഓപ്പറേഷൻസ് ഡയറക്ടറേറ്റിനുവേണ്ടി ആഫീസ് മന്ദിരം പണിയുന്നതിന് ആവശ്യമുണ്ടെന്നോ ആവശ്യമായിത്തീരാനിടയുണ്ടെന്നോ കേരള സർക്കാരിന് തോന്നുന്നതിനാലും;

ഇപ്പോൾ, അതിനാൽ, അതുസംബന്ധിച്ച നോട്ടീസ് അതുമായി ബന്ധപ്പെടാവുന്ന എല്ലാവർക്കും പ്രസ്തുത ആക്ട് 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിലെ വ്യവസ്ഥകൾ അനുസരിച്ച് ഇതിനാൽ നൽകുന്നു.

പട്ടിക

ജില്ല——തിരുവനന്തപുരം.

താലൂക്ക്—തിരുവനന്തപുരം. വില്ലേജ്—വഞ്ചിയൂർ.

ക്രമനമ്പർ	സർവ്വേ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം ആർ.	ച. മീ.
1	647 ഭാഗം	പുരയിടം	04	05
2	648 ഭാഗം	,,	03	64
3	650 ഭാഗം	,,	17	00
		ആകെ	24	69

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ പൊതു ഉദ്ദേശം സൂചിപ്പിക്കുന്നതിനുള്ളതാണ്.)

ഇൻഡ്യൻ പ്രസിഡന്റ് 31-5-1963-ലെ 2/4/63 ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപന പ്രകാരം ഈ സംസ്ഥാനത്ത് കേന്ദ്ര സർക്കാരിന്റെ ഉപയോഗത്തിനുവേണ്ടി സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിനുള്ള അധികാരം കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിരിക്കുകയും മുകളിൽ പട്ടികയിൽ പറയുന്ന സ്ഥലം ഒരു പൊതു ആവശ്യത്തിന് അതായത് കേരളത്തിലെ സെൻസസ് ഓപ്പറേഷൻസ് ഡയറക്ടറേറ്റിനുവേണ്ടി ഒരു ആഫീസ് കെട്ടിടം നിർമ്മിക്കുന്നതിന് ആവശ്യമുണ്ടെന്ന് സംസ്ഥാന സർക്കാരിന് തോന്നുകയും ചെയ്യുന്നു.

മേൽപ്പറഞ്ഞ ആവശ്യം നിറവേറ്റുന്നതിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ് ഈ വിജ്ഞാപനം.

By order of the Governor,

P. VISWANATHAN NAIR,

Additional Secretary to Government.

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